UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,251	11/17/2003	Michael Richard Barrett	03292.101830	6490

66569   7590   03/17/2008
FITZPATRICK CELLA (AMEX)
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
03/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

DETAILED ACTION

Remarks

1. In response to communications filed on 30-November-2007, claims 6 and 9 are canceled and

    claim 1 is amended per applicant's request. Therefore, claims 1-5, 7-8, and 10-13 are

    presently pending in the application, of which, claims 1 and 13 are presented in independent

    form.

2. In view of Applicant's Amendment to claim 1, the previous rejection under 35 U.S.C. 101 is

    hereby withdrawn. However, the Amendments have introduced an objection to the

    specification (see Specification Objection below) for details.

Priority

3. The instant application is a CIP (continuation-in-part) of U.S. Non-Provisional Patent

    Application S/N 10/334,271, filed on 31-December-2002.

    The limitation of "servicing component" of the instant application is *not supported* by the

    specification of the parent application. Therefore, the filing date of the Provisional Patent

    Application (**31-December-2002**) is considered the effective filing date for those claim

    limitations of the instant application *which do not include and/or refer to* the "servicing

    component" limitation.

Accordingly, claims components including and/or referencing the "servicing component" limitation are subject to the effective filing date of **17-November-2003** (the actual filing date of the instant application.)

Response to Arguments

4. Applicants' arguments filed on 30-November-2007 with respect to the rejected claims in view of the cited references have been fully considered but they are not deemed persuasive:

Regarding independent claim 13, Applicants argue that "Candella et al. does not teach that a positive weight is assigned for a successful confirmation of the user and account relationship." The Examiner wishes to point out that "confirmation of the user" is not explicitly recited in the rejected claim 13. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim 13 recites, among other elements, "assigning a positive weight for a successful confirmation of the relationship between said user identity with said account". This indicates that the positive weight is assigned when the relationship (either positive or negative) between user identity and account is confirmed successfully. This is different from "successful confirmation of the user". "Successful confirmation of the user" indicates that the user in confirmed as an authorized user. On the other hand, "successful confirmation of the user identity with the account" may not result in "confirming the user" as an authorized user. In other words, a confirmation check between the user identity and an account may be considered successful whether or not the user is confirmed as an authorized user. The system

can successfully confirm that the relationship between the user identity and the account is either proper, improper, invalid, or insufficient, resulting in the "confirmation process" to be successful but the user not necessarily being an authorized user.

As to the limitation of "assigning a positive weight for a successful confirmation of the relationship between said user identity with said account", paragraph 32 of **Candella** teaches a scoring engine that assigns positive (and negative) scores based on the lower or greater risk factors, which can be configured to represent "successful" or "unsuccessful" transactions.

Applicants also argue that "French also fails to teach the assignment of a positive weight for a transaction." The Examiner wishes to point out that **French** was not relied up in the Office Action to teach this claim element. As noted above, the primary reference, **Candella**, teaches the element of assigning weights to successful and unsuccessful confirmations.

With regards to claims 1-12 (noting that claims 6 and 9 are now canceled and the limitation of claim 9 is rolled up into claim 1 by the Applicants), the Applicants make the same argument as in claim 13. The Examiner respectfully disagrees with the arguments and directs the Applicants to the remarks and discussions made for the same arguments as presented for claim 13 (above.)

Specification Objection

5. The specification is objected to for failing to provide proper antecedent basis for the claimed subject matter of the newly amended claim 1. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

6. The originally filed specification lacks an explicit definition for the term "computer readable storage medium". However, the newly amended independent claim 1 recites "a *computer readable storage medium* for storing an executable program". There is no explicit mention of either a "computer readable storage medium" or any other types of "readable mediums" in the original specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as **Candella**) in view of French et al. (U.S. Publication No. 2003/0033526 A1, hereinafter referred to as **French**.)

   As to claim 13, **Candella** teaches a method for facilitating maintenance of relationships between a user identity and an account related to said user identity (see paragraphs 1, 11, and 25) comprising:

   at least one computer (see paragraphs 34 and 60);

assigning a positive weight (see paragraphs 32 and 41) for a transaction that is deemed a successful confirmation of a relationship between said user identity and said account (see paragraph 49, where "successful confirmation" is read on "successful answering"; and see "correct answers" in paragraph 56-59);

assigning a negative weight (see paragraphs 32, 35 and 43) for a transaction that is deemed an unsuccessful confirmation of a relationship between said user identity and said account (see paragraphs 13 and 49, where "unsuccessful confirmation" is read on "incorrect answers"); and

aggregating said positive and negative weights (see paragraph 58) to determine a usage history of a user identity (see paragraphs 12, 27, 30, 39 and 54-55, where "usage history of the user identity" is read on "name/address record has been matched within the *preselected period*".)

Candella does not explicitly teach determining a likelihood said user is correctly associated with said user identity; and using said likelihood with a hierarchical scheme of registration to allow or deny access to said user to different systems associated with the account.

However, **French** teaches a system and method for authenticating users on networks (see Abstract), in which he teaches determining a likelihood said user is correctly associated with said user identity (see paragraph 73); and using said likelihood with a hierarchical scheme of registration (see paragraph 58) to allow or deny access to said user to different systems associated with the account (see paragraphs 24 and 69.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Candella** by the teachings of **French**, because doing so would result in a more secure and efficient access control mechanism, via which the system could verify if the user is the person he/she claims to be and based on the results of this validation grant or deny access to the user account, thereby preventing unauthorized access to users' accounts.

9. Claims 1-5, 7-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansal et al (U.S. Pub. No. 2003/0120593 A1, hereinafter referred to as **Bansal**) in view of Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as **Candella**), and further in view of Benson et al (U.S. Pub. No. 2004/0225632 A1, hereinafter referred to as **Benson**.)

As to claim 1, **Bansal** teaches a computing system for facilitating management of user identities (see paragraphs 344, and 370, and 374, where "user identities" is read on "user profiles") comprising:

at least one computer (see "gateway" in figure 4);

a registration component (see paragraphs 29-36) configured to facilitate gathering information from users (see paragraphs 36, 342) and establishing a relationship between a user and an identity (see paragraphs 374, 527, and 881);

an ownership component (see paragraph 156, where "ownership" is read on "membership") configured to facilitate verification of the ownership of an account and to

facilitate relating said ownership to said identity (see paragraphs 62, 239-240, 252, and 474, where "verification of ownership" is read on "verifying the identity of an entity", and controlling access by the entity");

an audit component (see paragraphs 80 and 99) configured to periodically facilitate monitoring said account and said identity (see paragraphs 35, 80, 97-100, and 535) to verify the integrity of the relationship (see paragraphs 352-453, and see paragraph 717, where "verifying the integrity" is read on "ensuring transaction integrity") based on a hierarchical process (see paragraphs 66, 355, and 421.)

Bansal does not teach determining a usage history of said identity based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account;

assigning a positive weight for a successful transaction by an identity associated with said account;

assigning a negative weight for an unsuccessful transaction by an identity associated with said account; and

aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account.

Candella teaches a usage history (see paragraphs 53-55) based on at least one transaction deemed a successful or unsuccessful confirmation of the relationship between said identity and an account (see paragraphs 13, 43, 45, 49, 58, and 59);

assigning a positive weight (see paragraphs 32 and 41) for a successful transaction by an identity associated with said account (see paragraphs 49 and 58);

assigning a negative weight (see paragraphs 32, 35 and 43) for an unsuccessful

transaction by an identity associated with said account (see paragraphs 13 and 49); and

aggregating said positive and negative weights (see paragraph 58) to determine the

likelihood a claimed identity is the owner of said account (see paragraph 30, where "the

likelihood a claimed identity is the owner of said account" is read on "the probability that the

purchaser is using another purchaser's identity in a fraudulent manner; and see paragraph

49.")

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to have modified **Bansal** by the teachings of **Candella**, because

determining a usage history of said identity based on at least one transaction deemed a

successful or unsuccessful confirmation of the relationship between said identity and an

account, would ensure the integrity of a user (identity) with an account that the user (identity

owner) claims to be his/her account, and would prevent unauthorized access to an account by

users who do not successfully provide a correct answer, while allowing users who

successfully provide a correct answer, to access their accounts; **and** because assigning a

positive weight for a successful transaction by an identity associated with said account;

assigning a negative weight for an unsuccessful transaction by an identity associated with

said account; and aggregating said positive and negative weights to determine the likelihood

a claimed identity is the owner of said account, would assist the system in "determining the

risk that a person, such as a purchaser 20 seeking to buy a product or service, purchase a

ticket or enter a location 21, is not who they claim to be", as taught by **Candella** in paragraph

28 and figures 2A-2B, and it would enable the system "to determine the probability that the

purchaser is using another purchaser's identity in a fraudulent manner", as taught by

Candella in paragraph 30.

Bansal as modified, still does not teach: a servicing component configured to facilitate

maintaining and modifying information relating to said identity.

Benson teaches an automated information management system (see paragraph 2), in

which he teaches: a servicing component (see paragraph 55-57) configured to facilitate

maintaining and modifying information relating to said identity (see paragraphs 6, 28 and

47.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to have modified **Bansal** as modified, by the teaching of

Benson, because including a servicing component configured to facilitate maintaining and

modifying information relating to said identity, would enable the system to use a service

component to write changes to the identity, if changes are to be applied to the identity

information, as taught by **Benson** (see paragraphs 55). **Benson** also uses service components

for various other functions dealing with identity information, for example, reading data from

a drop file, and for and writing information (see paragraph 56), and for applying changes to

the unified identity information (see paragraph 57.)

As to claim 2, **Bansal** as modified, teaches wherein:

said servicing component (see **Benson**, paragraphs 55-57) is further configured to be

operated by users (see **Benson**, paragraphs 21, 25 and 74, and see **Bansal**, paragraphs 18 and

215.)

As to claim 3, **Bansal** as modified, teaches wherein:

said servicing component (see **Benson**, paragraphs 55-57) is further configured to be

operated by one or more customer service representatives (see **Benson**, paragraphs 25 and

74, where "customer service representative" is read on "administrator", and see **Bansal**,

paragraphs 41, 70, and 239.)

As to claim 4, **Bansal** as modified, teaches wherein:

said ownership component (see **Bansal**, paragraph 156, where "ownership" is read on

"membership") is further configured to facilitate confirming the ownership of a user id (see

Bansal, paragraphs 349 and 477.)

As to claim 5, **Bansal** as modified, teaches wherein said ownership component is further

configured for:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571); and

generating questions to be asked of a user to verify the identity of said user (see **Bansal**,

paragraphs 351, 395, and 616.)

As to claim 7, **Bansal** as modified, teaches wherein:

said ownership component (see **Bansal**, paragraph 156, where "ownership" is read on

"membership") is further configured to facilitate confirming the ownership of an account (see

Bansal, paragraphs 344, 355-357, and 384.)

As to claim 8, **Bansal** as modified, teaches wherein said ownership component is further

configured to facilitate:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571); and

generating questions to be asked of a user to verify the identity of said user (see **Bansal**,

paragraphs 351, 395, and 616.)

As to claim 10, **Bansal** as modified, teaches wherein:

said audit component (see **Bansal**, paragraphs 80 and 99) is configured to facilitate

periodic confirmation of ownership information from said user (see **Bansal**, paragraphs 35,

80, and 424.)

As to claim 11, **Bansal** as modified, teaches wherein said audit component (see **Bansal**,

paragraphs 80 and 99) is configured to facilitate periodic confirmation of identity information

(see **Bansal**, paragraphs 349 and 474-477.)

As to claim 12, **Bansal** as modified, teaches wherein said information from said users

comprises biometric information (see **Bansal**, paragraphs 63 and 475.)

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy

as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of

this final action.

11. Any inquiries concerning this communication or earlier communications from the examiner

should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The

examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christian Chace, can be reached at (571) 272-4190.

March 3, 2008

/Tony Mahmoudi/

Tony Mahmoudi
Primary Patent Examiner
Art Unit 2165
Tel. (571) 272-4078
Fax (571) 273-4078

tony.mahmoudi@uspto.gov